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Why Buffalo Needs Inclusionary Zoning: Affordability, Job Access, Inclusion, and Quality Housing

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Why Buffalo Needs Inclusionary Zoning: Affordability, Job Access, Inclusion, and Quality Housing

Abstract

"Buffalo's housing market faces four severe challenges: affordability, job access, inclusiveness, and quality. Inclusionary zoning is a proven tool for addressing all four issues. Inclusionary zoning asks that when a developer creates new housing units, it reserve a certain percent for affordable housing. Thus, inclusionary zoning leverages the power of the market to create more high-quality affordable housing units, often near job centers and transit lines, and to make neighborhoods more inclusive and less segregated. In 2014, recognizing the need for more affordable housing, the City of Buffalo committed to "lobby for regional acceptance of inclusionary zoning provisions." In 2016, hundreds of Buffalo residents submitted comments supporting the adoption of inclusionary zoning as part of the City's new Green Code. In passing the Green Code, Common Council members promised to promptly take up and pass inclusionary zoning legislation. This brief presents data demonstrating Buffalo's need for such legislation."

Keywords

Buffalo, Housing/Neighborhoods, Economic Development, High Road Economic Development, Policy Brief, PDF

Why Buffalo Needs Inclusionary Zoning: Affordability, Job Access, Inclusion, and Quality Housing

Summary

Buffalo's housing market faces four severe challenges: affordability, job access, inclusiveness, and quality. Inclusionary zoning is a proven tool for addressing all four issues. Inclusionary zoning asks that when a developer creates new housing units, it reserve a certain percent for affordable housing. Thus, inclusionary zoning leverages the power of the market to create more high-quality affordable housing units, often near job centers and transit lines, and to make neighborhoods more inclusive and less segregated.

In 2014, recognizing the need for more affordable housing, the City of Buffalo committed to "lobby for regional acceptance of inclusionary zoning provisions."¹ In 2016, hundreds of Buffalo residents submitted comments supporting the adoption of inclusionary zoning as part of the City's new Green Code. In passing the Green Code, Common Council members promised to promptly take up and pass inclusionary zoning legislation. This brief presents data demonstrating Buffalo's need for such legislation.

Affordability

- More than half of Buffalo households (55%) cannot afford their rent – according to the federal definition by which affordability means paying less than 30% of income toward rent.²
- Buffalo's already extreme poverty is getting worse, not better, despite the spate of recent economic development projects. The child poverty rate inside the city rose from 37.5% in 2005 to 54% in 2015.³ Buffalo is the third poorest city in the country, behind only Detroit and Cleveland.
- Unfortunately, even as poverty has risen, so have rents. According to Rent Jungle, which claims to capture roughly 80% of on-line rental listings in the city, whereas in 2011 the average rent advertised for a two-bedroom apartment in the city ranged between \$678 (March) and \$940 (November), in 2017 the average rent for a two-bedroom has ranged between \$1,226 (January) and \$1,355 (April).⁴ According to the federal Department of Housing and Urban Development, fair market rents for a two bedroom apartment in the Buffalo-Niagara metropolitan region have risen from \$704 in 2008 to \$810 in 2017.⁵

- By the time of the 2010 Census, 23% of the city's households had severe housing cost burdens, paying more than 50% of their income on housing (Appendices 1-2). Among black households, over 30% faced severe burdens; among Hispanic households, over 37% did.⁶
- Among metro areas nationwide, Buffalo experienced the seventh largest increase in rental affordability burden between 2015 and 2016.⁷
- When people can't afford their rent, many bad things happen. They have to skimp on necessities such as food and medical care. They get evicted or are otherwise forced to move, causing trauma and disruption. All too often, they become homeless. 5,455 people in Erie County experienced homelessness in 2015. In 2016, that number rose to roughly 6,000.⁸ Homeless individuals most frequently originate from zip codes 14215 and 14211 (Appendix 3).
- Most of the new housing being created, even when it receives government subsidies and tax incentives, is not affordable (Appendices 4-6). For example, the Phoenix Brewery development near the Medical Campus includes city property tax reductions, \$316,000 in tax breaks from the Erie County Industrial Development Authority, and \$1.74 million in historic tax credits. The 30 one- and two-bedroom luxury apartments will have an average rent of \$1,500 per month.⁹
- Section 8 provides vouchers for low-income families to subsidize housing costs, but the demand far exceeds the supply. Both Section 8 providers closed their waitlists years ago, and their waitlists remain exceedingly long; there are nearly 4000 families on Rental Assistance Corporation's list.¹⁰ While Section 8 vouchers were designed, in part, to combat segregation, voucher use is concentrated in certain pockets of the city (Appendix 7).

Job Access

- Unemployment in Buffalo remains stubbornly high, particularly for people of color. The unemployment rate for African Americans in the city in recent years has averaged over 19%, and for Hispanic workers it has been 17%.¹¹
- Even those who work have trouble getting jobs that pay decent wages. The median earnings of the 108,412 employed people in Buffalo are only \$27,437.¹²
- Many workers lack cars and cannot reach quality jobs through public transit or by walking or biking (Appendix 8). Over 29% of the city's households have no vehicle available.¹³ In Buffalo-Niagara, there are 56,732 households without a vehicle. Workers in those households can reach only 42% of the region's jobs within 90 minutes by public transit. Even within the city, where access to transit is better than in the suburbs, workers can reach only 53% of jobs by public transit.¹⁴

- Thus, there is a need to house more workers in parts of the city that are experiencing economic growth, and/or locations along good public transit lines. These are the parts of the city where new, market-rate housing is being created: downtown, near the Medical Campus, in the Elmwood Village, along Niagara Street, near Main St., etc. (Appendices 4-6).

Inclusion

- Buffalo-Niagara is the sixth most segregated metropolitan region in the nation. In the region, 64% of people of color live in concentrated poverty, compared to 14% of whites.¹⁵
- The Buffalo-Niagara metro area ranked in the top ten for increase in income segregation in the last decade,¹⁶ and in 2014 was ranked 7th most segregated by income (Appendix 9).¹⁷
- Even within city limits, segregation by race and income remains strong, with roughly 85% of African-Americans living east of Main Street (Appendices 10 and 11).¹⁸

Quality Housing

- Buffalo has the oldest housing stock of any major city, with 67.3% of units built in 1939 or earlier.¹⁹
- Poor housing conditions such as dampness, dust, draftiness, and pest infestation exacerbate asthma, which disproportionately affects people of color in high poverty neighborhoods.²⁰
- Old, badly-maintained housing stock contributes to the fact that Buffalo has one of the highest levels of lead poisoning in the nation – substantially worse than that of Flint, Michigan.²¹
- According to Census data, over 41% of Buffalo households experience a housing problem, such as unaffordability, overcrowding, or substandard housing, and over 25% experience a severe housing problem. Over half of people of color experience a housing problem (Appendix 12).²²

Appendix 1

Severe Housing Cost Burdens by Race

A severe cost burden is defined as paying more half of a household's income on housing costs. Households of color in particular often face severe housing cost burdens. 42% of Native American households, 37% of Hispanic households, 30% of black households, and 29% of Asian or Pacific Island households pay more than half their income on housing every month.

Households with Severe Housing Cost Burden	(Buffalo, NY CDBG, HOME, ESG) Jurisdiction		
Race/Ethnicity	# with severe cost burden	# households	% with severe cost burden
White, Non-Hispanic	8,700	56,935	15.28%
Black, Non-Hispanic	12,510	41,270	30.31%
Hispanic	3,240	8,720	37.16%
Asian or Pacific Islander, Non-Hispanic	690	2,390	28.87%
Native American, Non-Hispanic	245	583	42.02%
Other, Non-Hispanic	835	2,123	39.33%
<i>Total</i>	<i>26,220</i>	<i>112,040</i>	<i>23.40%</i>
Household Type and Size			
Family households, <5 people	10,900	50,614	21.54%
Family households, 5+ people	1,693	7,970	21.24%
Non-family households	13,639	53,460	25.51%

Source: U.S. Housing and Urban Development Department, Affirmatively Furthering Fair Housing Map Tool, *Table 10 – Demographics of Households with Severe Housing Cost Burden* (July 2016), <https://egis.hud.gov/affht/#>.

Appendix 2

Cost Burden for Renters

Of renters with an income less than \$35,000, most live in unaffordable housing. That is, they are paying more than 30% of their income on housing costs. Furthermore, almost 90% of renters with an income less than \$20,000 face a housing cost burden.

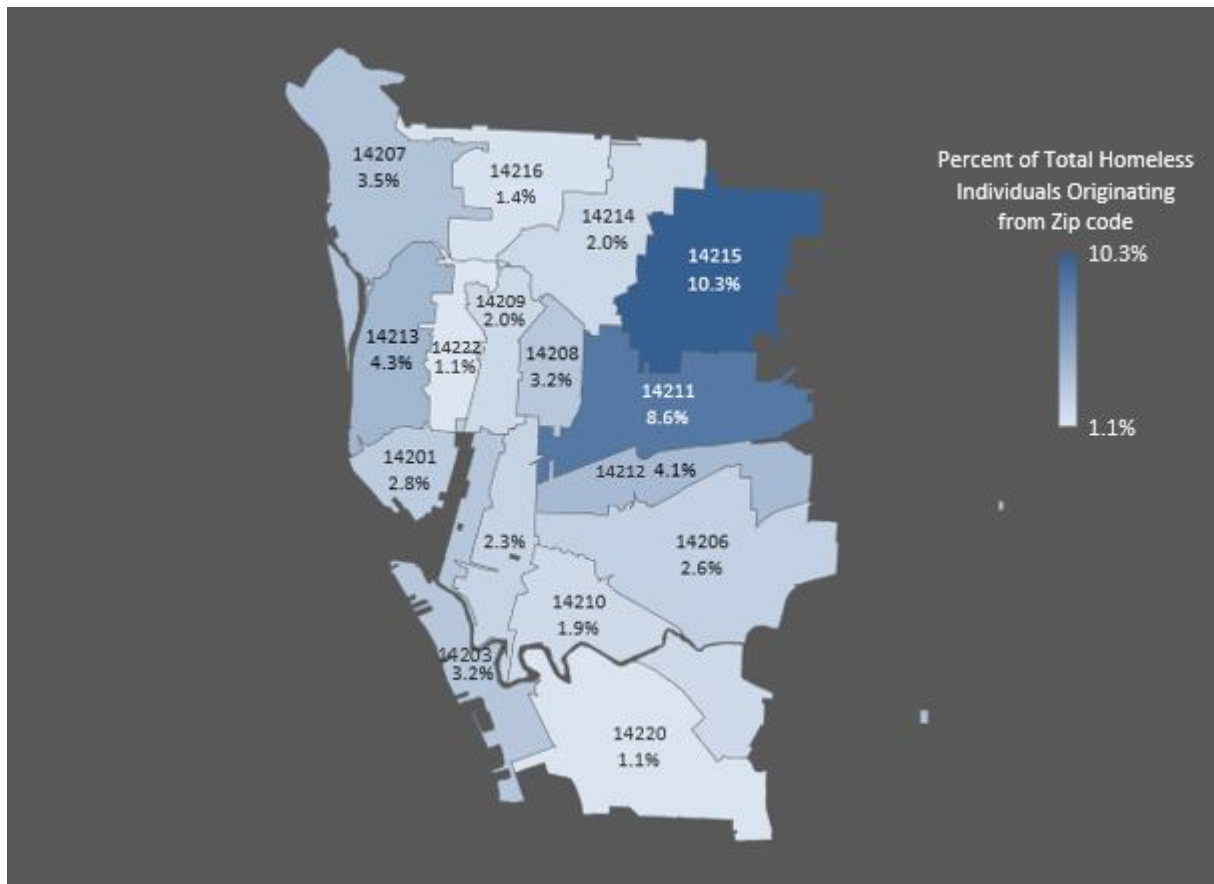
Renter Household Income / % of Income as Rent in Buffalo, NY	Estimate	Percent
Total Renter-occupied housing units	65,108	
Less than \$20,000:	27,695	42.54%
20 to 29% of income	2,240	8.09%
≥30% of income	24,716	89.24%
\$20,000 to \$34,999:	12,969	19.92%
20 to 29% of income	4,528	34.91%
≥30% of income	7,110	54.82%
\$35,000 to \$49,999:	7,324	11.25%
20 to 29% of income	3,777	51.57%
≥30% of income	1,428	19.50%
\$50,000 to \$74,999:	7,607	11.68%
20 to 29% of income	1,260	16.56%
≥30% of income	365	4.80%
\$75,000 or more:	5,708	8.77%
20 to 29% pf income	304	5.33%
≥30% of income	0	0.00%

Adapted from: “Annual Report on the State of Homelessness in Western New York,” (policy report, Homeless Alliance of Western New York, 2015), 19.

Appendix 3

Origin of Homelessness in the City of Buffalo

In 2016, the top 4 zip codes that people experiencing homelessness originated from are the following: 14215, 14211, 14213, and 14212. In other words, homelessness is most common on the east and west sides of the city—mirroring the patterns of income inequality, job inaccessibility, and housing problems.



Source: Christine Slocum, *Homeless Management Information System*, (2016), distributed by Homeless Alliance of Western New York, <https://wnyhomeless.org/hmis/about-hmis/>.

Appendix 4

Selected New Residential Projects Completed Within the Last Two Years (2015-2017)²³

Project Name	#New Units	Starting 2-Bedroom Rent	Cost	Developer
The Sinclair 465 Washington	45	\$2050 ²⁴	\$16,000,000	Ciminelli Real Estate
The Fairmont 199 Scott	30	\$1795 ²⁵	\$14,700,000	Ellicott Development
Seneca Street Lofts 550 Seneca	48	\$1050 ²⁶	\$7,300,000	Savarino and Frontier Group
Bosche Lofts 918 Main	23	\$1425 ²⁷	\$6,400,000	Greenleaf Development
Hydraulics Lofts 500 Seneca	110	\$1075 ²⁸	\$38,000,000	Savarino and Frontier Group
Buffalo River Landing 441 Ohio	78	\$2100 ²⁹	\$18,500,000	Savarino and Frontier Group
Turner Brothers Lofts 295 Niagara	40	\$1425 ³⁰	\$10,500,000	Schneider Development
ARCO Lofts ³¹ 1807 Elmwood	38	\$1375 ³²	\$12,400,000	Signature Development
Phoenix Brewery Apartments 825 Washington	30	\$1600 ³³	\$6,600,000	Sinatra and Company Real Estate
Crescendo ³⁴ 1502 Niagara Street	41	\$1490 ³⁵	\$6,000,000	Natale Development Company

301 Ohio Street ³⁶	21	\$2195 ³⁷	\$4,500,000	Ellicott Development
Stratham Manor ³⁸ 481 Franklin Street	12	N/A	\$1,100,000	Don Gilbert
1285 Main Street ³⁹	19	\$1790 ⁴⁰	\$2,100,000	Ellicott Development
TOTAL	535	AVG: \$1614	\$144, 100,000	

Appendix 5

Selected Residential Developments Currently Under Construction

Project Name	Number of New Units	Cost	Developer
Mentholatum ⁴¹ 1360 Niagara Street	51	\$19,000,000	Ciminelli Real Estate
Alexandre Apartments ⁴² 510 Washington Street	12	\$4,000,000	Amy Judd
722 West Delavan ⁴³	27	\$5,500,000	Ellicott Development
270 Michigan Avenue ⁴⁴	6	\$5,000,000	Ellicott Development
Midtown Apartments ⁴⁵ 1661 Main Street	55	\$8,000,000	Sinatra and Company Real Estate
1050 Niagara Street ⁴⁶	8	\$9,360,000	Ellicott Development
500 Pearl Street ⁴⁷	28	\$75,000,000	Ellicott Development
192 Seneca Street ⁴⁸	4	\$4,400,000	Ellicott Development
Canterbury Woods ⁴⁹ 3 Gates Circle	53	\$41,000,000	TM Montante
905 Elmwood Avenue ⁵⁰	21	\$8,000,000	Ellicott Development
960 Busti Avenue ⁵¹	18	\$6,900,000	Ellicott Development
Our Lady of Lourdes ⁵² 1115 Main Street	12	\$2,850,000	Ellicott Development
Livery Stable ⁵³ 73 West Huron Street	14	\$12,000,000	Mark Croce
White Building ⁵⁴ 298 Main Street	24	\$12,000,000	Kissling Interests
The Marin & The Glenny ⁵⁵ 251 Main Street	86	\$48,000,000	Paul Kolkmeier/Priam LLC
TOTAL	419	\$261,010,000	

Appendix 6

Selected Upcoming Residential Developments

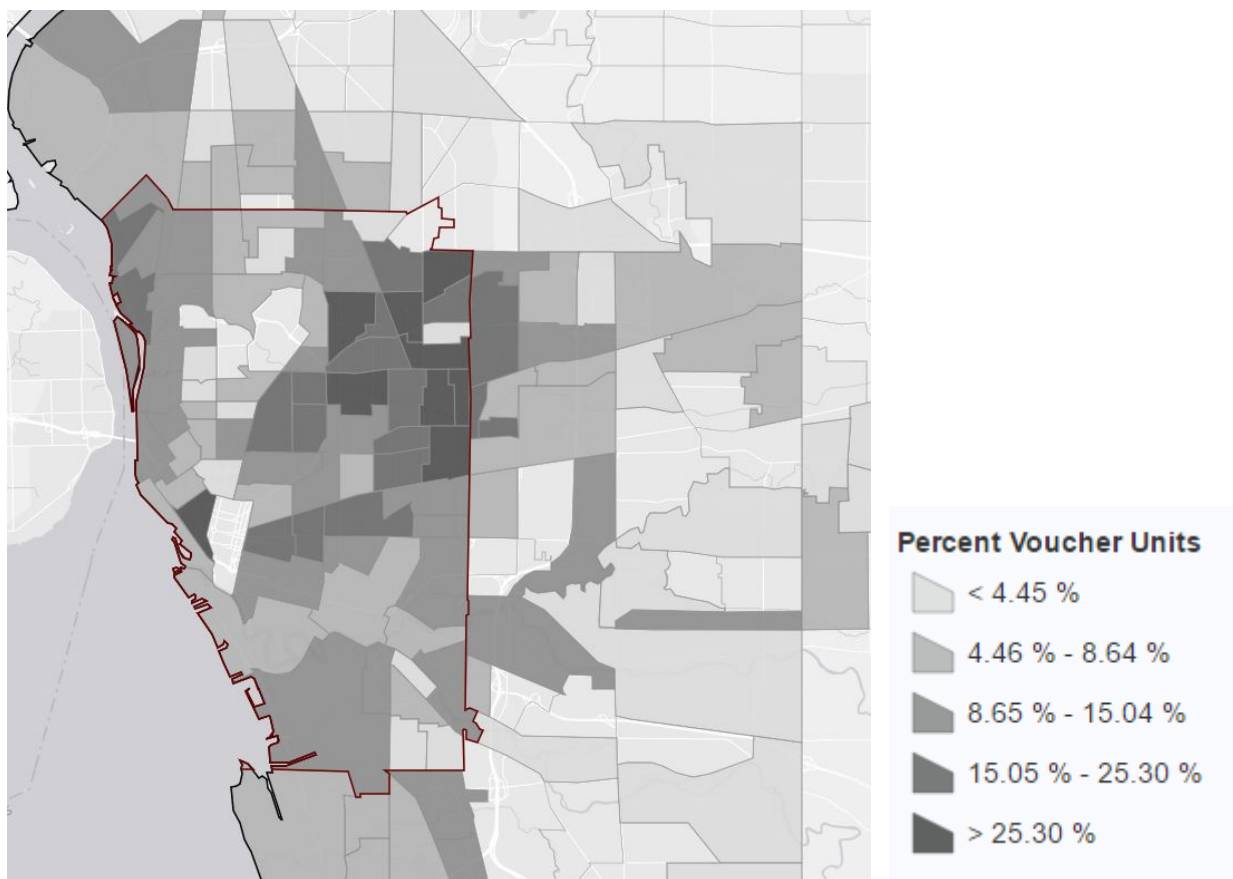
Project Name	Number of New Units	Cost	Developer
1130 Elmwood Avenue ⁵⁶	50	\$30,000,000	Chason Affinity
201 Ellicott ⁵⁷	200	\$200,000,000	Ciminelli Real Estate
QueensLight (319 Bryant St.) ⁵⁸	249	\$122,000,000	Ciminelli Real Estate
1010 Elmwood Avenue ⁵⁹	51	\$40,000,000	Ciminelli Real Estate
Symphony Circle Senior Living (291 North St.) ⁶⁰	119	\$30,000,000	Ellicott Development
Waterfront Village (260 Lakefront Boulevard) ⁶¹	30	\$28,000,000	Ciminelli Real Estate
2178 Seneca Street ⁶²	25	\$9,000,000	Schneider Development
Central Park, Phase I ⁶³	52	\$24,000,000	LPCiminelli
Central Park, other phases ⁶⁴	665 (total project: 717)	\$76,000,000 (total project: 100,000,000)	LPCiminelli
Campus Square ⁶⁵ (38 Holloway Boulevard)	152	\$90,000,000	Mark Trammell, McGuire Development
1140/1166 Jefferson Avenue ⁶⁶	84	\$21,000,000	Sinatra and Company
McCarley Gardens ⁶⁷ (818 Michigan Avenue)	15	\$35,000,000	Sinatra and Company
70 Harvard Place ⁶⁸	24	\$4,300,000	Sinatra and Company
Lancaster Square ⁶⁹	60	\$110,000,000	TM Montante

AP Lofts at Larkinvill ⁷⁰ 545 Swan Street	146	\$39,000,000	KCG Development
2929-2939 Main Street ⁷¹	300	\$30,000,000	DF Fusion Investments
637 Linwood Avenue ⁷²	37	\$11,400,000	People Inc.
The Forge ⁷³ 490 Broadway Avenue	185	\$48,000,000	Stuart Alexander and Associates
Queen City Landing ⁷⁴ 975 Fuhrmann Boulevard	199	\$60,000,000	Trautman Associates
St. Paul's Apartment Project ⁷⁵ 128 Pearl Street	7	\$1,800,000	St. Paul's Cathedral
Former WNED Studio ⁷⁶ 19 North Street	39	\$9,000,000	First Amherst
500 Franklin Street ⁷⁷	16	\$1,000,000	Matthew Moscati
The Knights ⁷⁸ 506 Delaware Avenue	25	\$6,000,000	James Jerge
810 Main Street ⁷⁹	18	\$3,500,000	Legacy Development
Trico Building ⁸⁰ 791 Washington Street	185	\$80,000,000	Krog Corporation
Saturn Building ⁸¹ 505 Pearl Street	29	\$6,500,000	Buffalo Development Co.
HELP USA ⁸² 362 Broadway Avenue	48	\$12,900,000	HELP USA
Michigan Broadway LLC ⁸³ 163 Broadway Avenue	18	\$6,700,000	Steve Carmina
Compass East ⁸⁴ 425 Michigan Avenue	20	\$7,000,000	McGuire Development Co.
TOTAL	3048	\$1,142,100,000	

Appendix 7

Concentration of Section 8 Vouchers Utilized on East Side

One of the most important sources of housing affordability is Section 8, a federal program that subsidizes rents, but Section 8 vouchers are not used uniformly across the city. This is likely the result of the program's rental cost cut-off, rendering certain neighborhoods inaccessible for voucher holders, and/or certain landlords refusing to accept Section 8 vouchers (although such refusal is illegal in the City of Buffalo). In the map below, voucher use is concentrated on the east side of the City, while hardly any vouchers are used in the Elmwood Village area or downtown Buffalo.

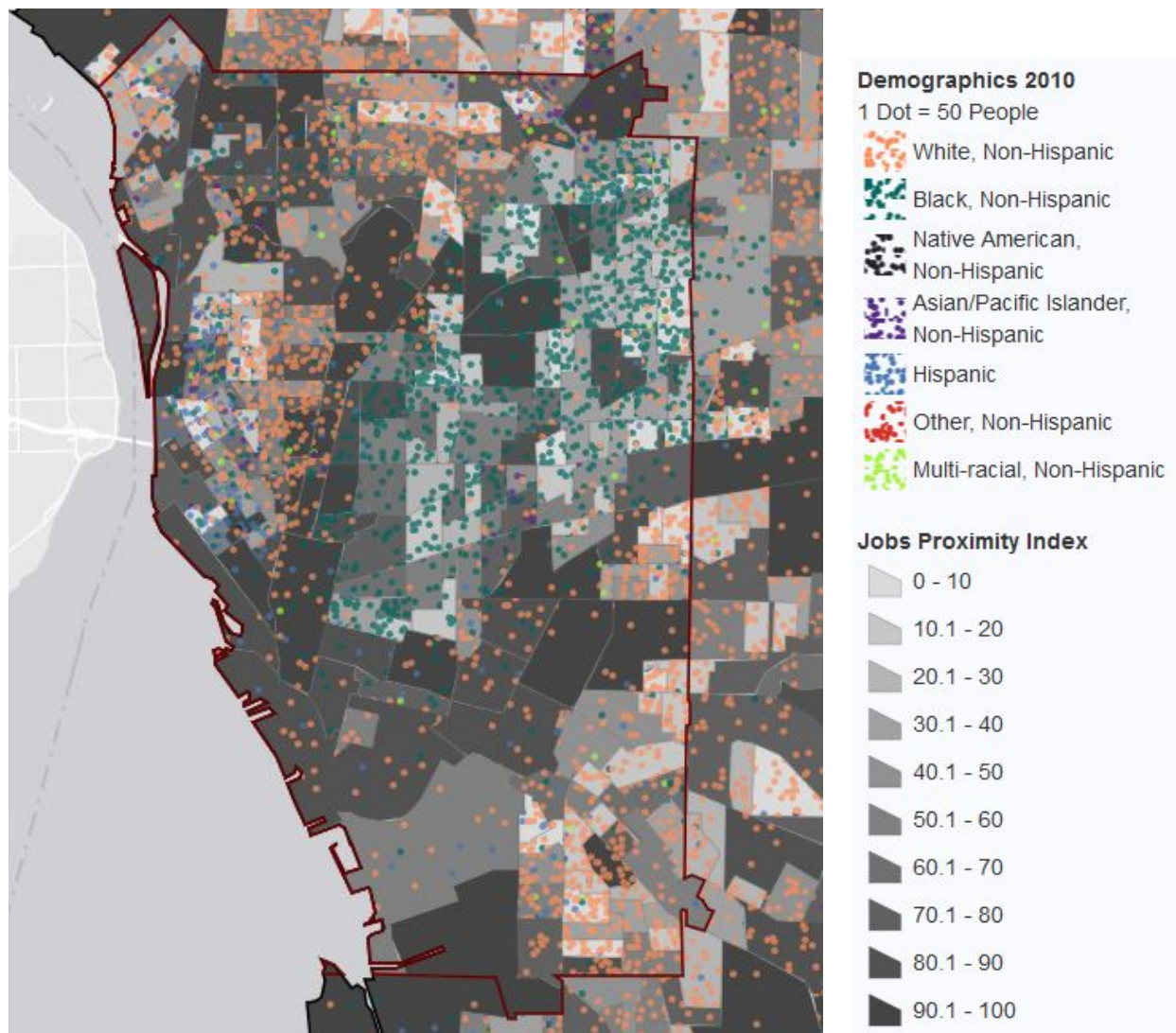


Source: U.S. Housing and Urban Development Department, Affirmatively Furthering Fair Housing Map Tool, *Map 5- Publicly Supported Housing and Race/Ethnicity*, (July 2016), <https://egis.hud.gov/affht/#>.

Appendix 8

Lack of Access to Jobs

Accessibility to employment is a problem on the east and west sides of the City. The map also depicts accessibility issues in north Buffalo, but when one considers that workers of color are more likely to be dependent on public transit than white workers, it is clear that job inaccessibility is particularly a problem in neighborhoods of color.⁸⁵



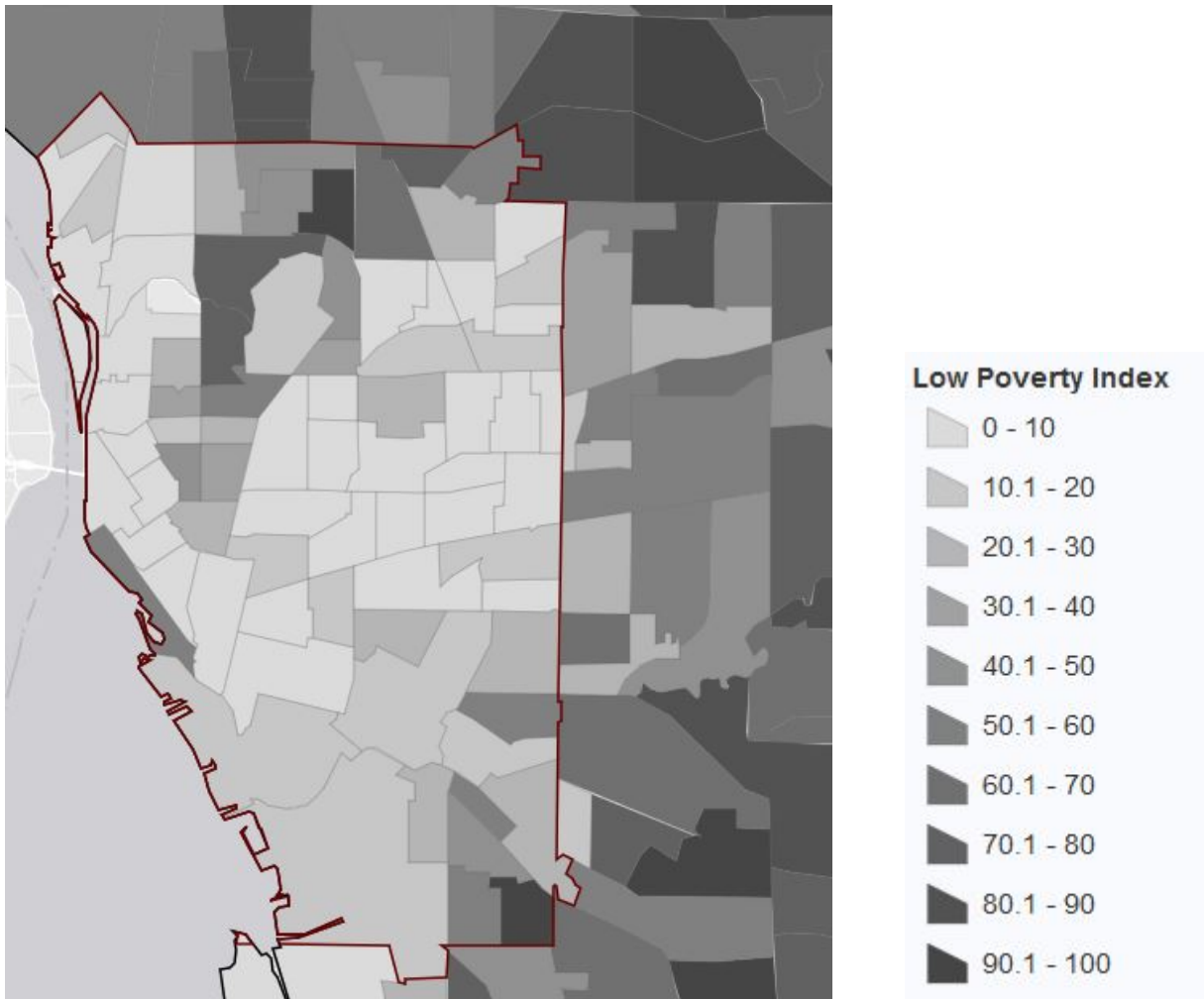
The Job Proximity Index is calculated as a function of its distance to all job locations within a metropolitan statistical area, with larger employment centers weighted more heavily, and inversely weighted by the labor supply (competition) to that location. The higher the index score, the better access to employment opportunities for residents in a neighborhood.

Source: U.S. Housing and Urban Development Department, Affirmatively Furthering Fair Housing Map Tool, *Map 8- Demographics and Job Proximity*, (July 2016), <https://egis.hud.gov/affht/#>.

Appendix 9

Income Disparity

Poverty is not spread evenly across the city of Buffalo, but is segregated to certain areas. Households with lower incomes are concentrated primarily on the east and west sides of the city, while Elmwood, north Buffalo, and Buffalo's surrounding suburbs experience relatively little exposure to poverty.



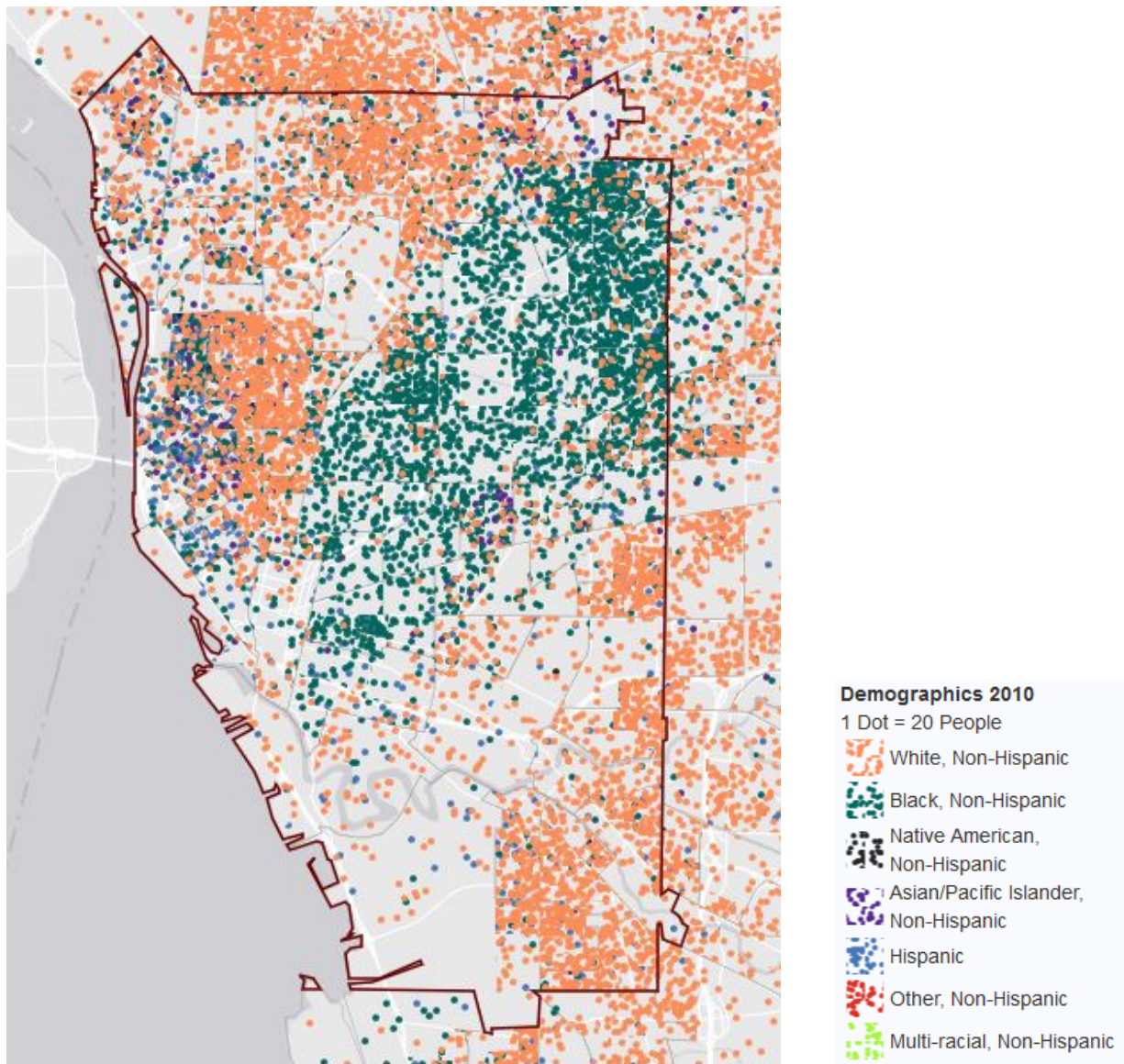
The Low Poverty Index is calculated using both the family poverty rate and the percentage of households receiving public assistance. The higher the index score, the less exposure to poverty in a neighborhood.

Source: U.S. Housing and Urban Development Department, Affirmatively Furthering Fair Housing Map Tool, *Map 12- Demographics and Poverty*, (July 2016), <https://egis.hud.gov/affht/#>.

Appendix 10

Racial Segregation

The City of Buffalo is highly segregated. Black residents are heavily concentrated east of Main Street, while whites are concentrated primarily in the Elmwood area, north Buffalo and in the less-densely populated south Buffalo. One sees some racial integration of whites, Hispanics, blacks, and Asian/Pacific Islanders on the west side of the city.

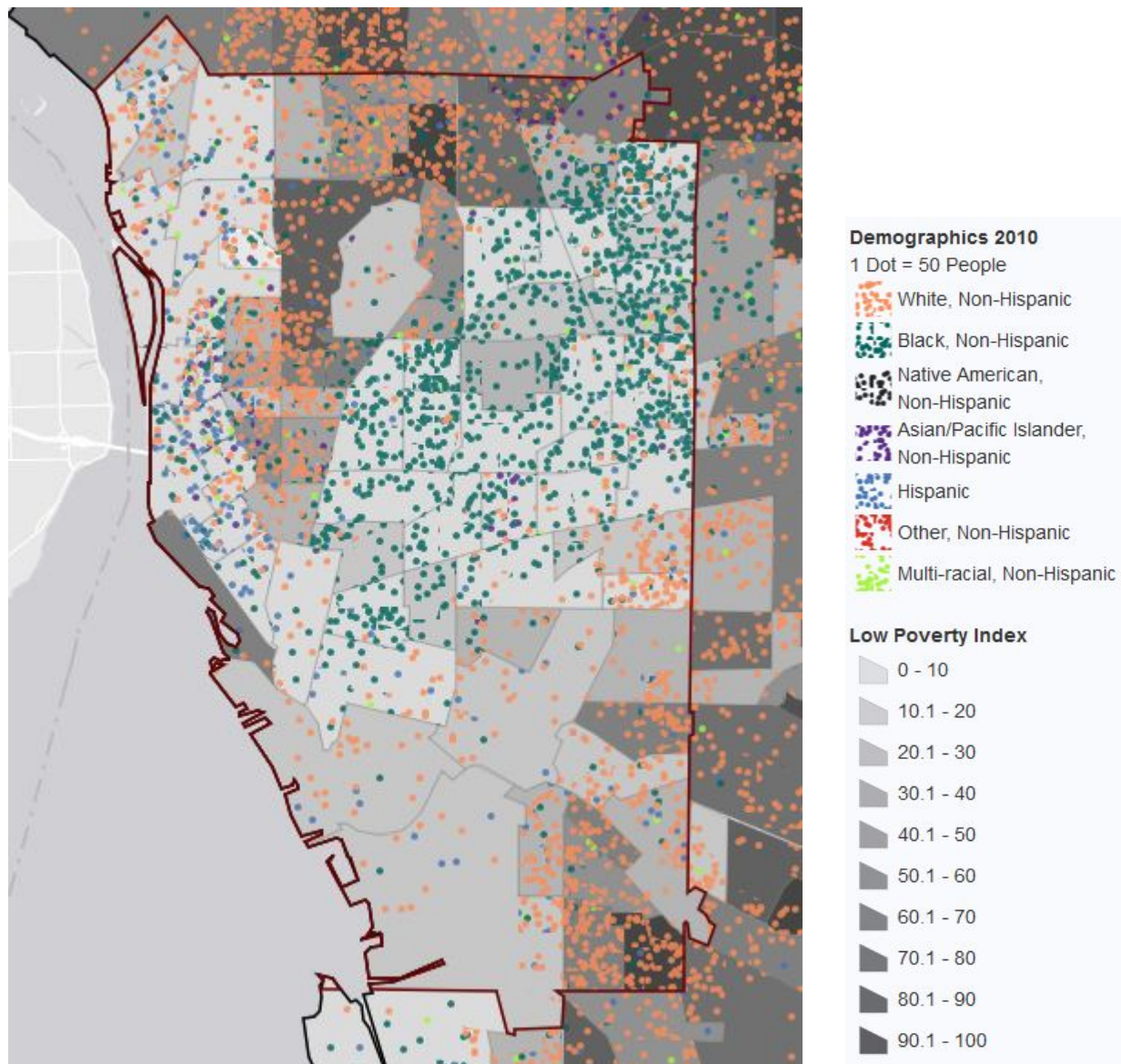


Source: U.S. Housing and Urban Development Department, Affirmatively Furthering Fair Housing Map Tool, *Map 1- Race/Ethnicity*, (July 2016), <https://egis.hud.gov/affht/#>.

Appendix 11

Concentration of Wealth in White Neighborhoods

Whites in Buffalo are located primarily in neighborhoods of wealth, while blacks, Hispanics and Asian/Pacific Islanders live primarily in neighborhoods that experience the highest levels of poverty.



The Low Poverty Index is calculated using both family poverty rate and the percentage of households receiving public assistance. The higher the index score, the less exposure to poverty in a neighborhood.

Source: U.S. Housing and Urban Development Department, Affirmatively Furthering Fair Housing Map Tool, *Map 12- Demographics and Poverty*, (July 2016), <https://egis.hud.gov/affht/#>.

Appendix 12

Unaffordable, Overcrowded and Sub-Par Housing in Neighborhoods of Color

Housing problems—such as unaffordability, overcrowding, and lacking necessary kitchen or plumbing facilities—are most frequently found on the east and west sides of the City.

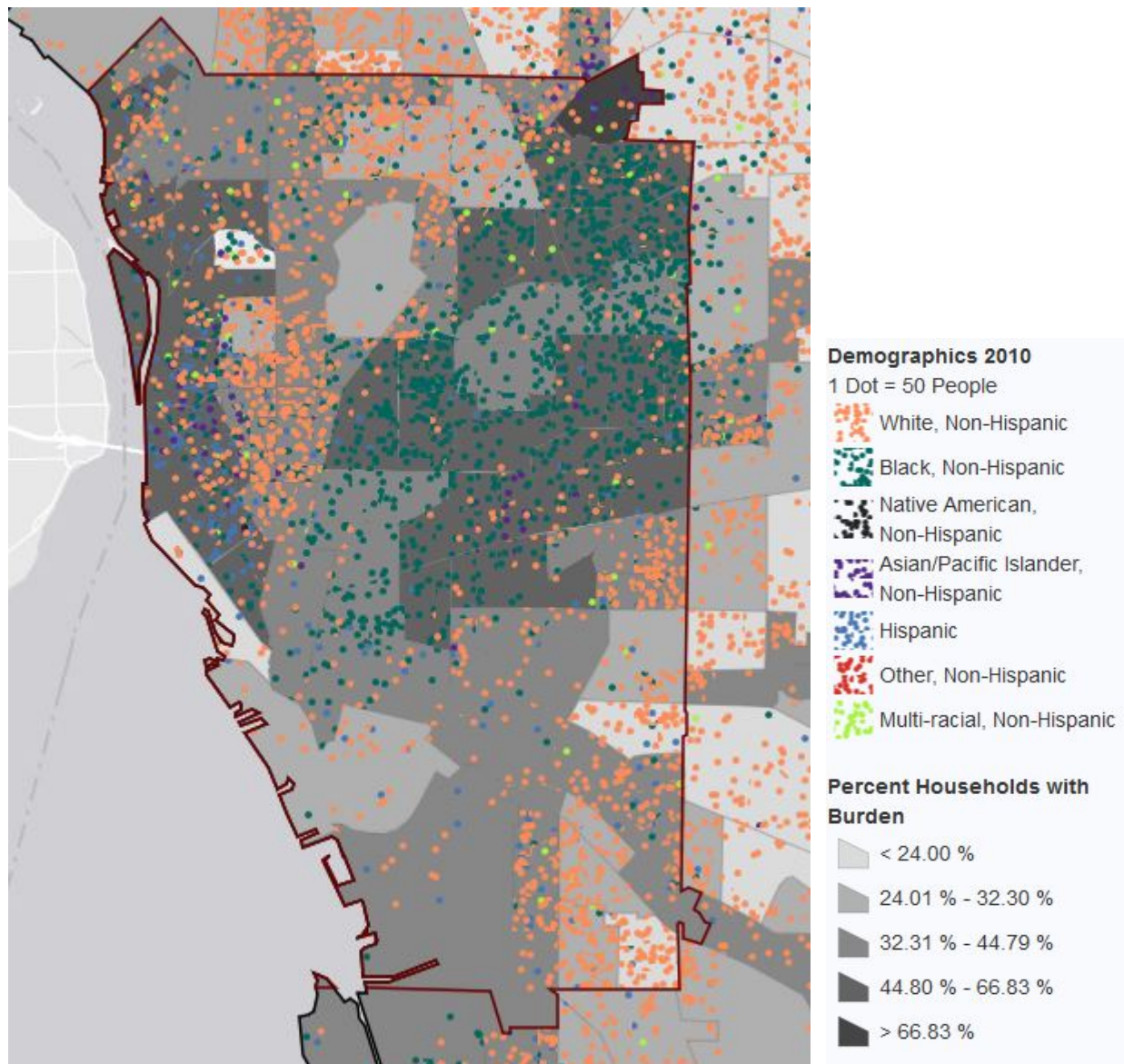


Figure 6. Housing Problems and Demographics

A household is considered to have a housing problem if its residents face one or more of the following issues: lacks complete kitchen facilities, lacks complete plumbing facilities, overcrowding (more than one person per room), cost burden (paying more than 30% of your income on housing costs).

Source: U.S. Housing and Urban Development Department, Affirmatively Furthering Fair Housing Map Tool, *Map 6- Housing Problems*, (July 2016), <https://egis.hud.gov/affht/#>.

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- ¹⁷ Richard Florida, "The U.S. Cities Where the Poor Are Most Segregated From Everyone Else," *City Lab*, March 24, 2014, <http://www.citylab.com/housing/2014/03/us-cities-where-poor-are-most-segregated/8655/>.
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[america-s-oldest-housing.html](#); U.S. Census Bureau, American Factfinder Selected Housing Characteristics: 2015 American Community Survey 1-Year Estimates (2015), https://factfinder.census.gov/bkmk/table/1.0/en/ACS/15_1YR/DP04/0500000US36029.06000.

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- ²² U.S. Housing and Urban Development Department, Affirmatively Furthering Fair Housing Map Tool, *Table 10 – Demographics of Households with Severe Housing Cost Burden* (July 2016), <https://egis.hud.gov/affht/#>.
- ²³ Thank you to the Public Accountability Initiative for their contributions to Appendices 10-12; Unless otherwise specified, all data in Appendix 10 is derived from: Johnathan D. Epstein, “A look at Buffalo’s booming apartment scene,” *Buffalo News*, 26 January, 2017, <http://buffalonews.com/2017/01/26/look-booming-buffalo-apartment-scene/>.
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